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11 MARKEL AMERICAN  
12 INSURANCE COMPANY, INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 MARKEL AMERICAN INSURANCE  
16 COMPANY, INC.,

17 Plaintiff,

18 vs.

19 QUARK SPEED PARTNERS, a partnership,  
20 DAVE MARSHBURN, an individual,  
21 GILBERT MITCHELL, an individual, and  
22 WAYNE MARTIN, an individual,

23 Defendants.

Case No. C 07 5010 MJJ

IN ADMIRALTY

**NOTICE OF VOLUNTARY DISMISSAL**

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1 NOTICE IS HERBY GIVEN that pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff  
2 MARKEL AMERICAN INSURANCE COMPANY, INC., voluntarily dismisses the above-captioned  
3 action without prejudice.  
4

5 DATED: December 21, 2007

SANDS LERNER

6  
7 By: 

8 NEIL S. LERNER  
9 ARTHUR A. SEVERANCE  
10 Attorneys for Plaintiff,  
11 MARKEL AMERICAN INSURANCE  
12 COMPANY, INC.  
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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 12400 Wilshire Boulevard, Suite 1300, Los Angeles, California, 90025.

On **December 26, 2007**, I served the foregoing documents described as:


**NOTICE OF VOLUNTARY DISMISSAL**

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

**See attached Service List**

- ☐ (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ (BY FACSIMILE) I am responsible for service by facsimile to the above addresses.
- ☐ (PERSONAL) I delivered such envelope by hand to the offices of the addressee.
- ☒ (BY FEDERAL EXPRESS) I am responsible for service by Federal Express to the above address with guaranteed delivery by 10:30 a.m. on **December 27, 2007**.
- ☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.
- ☐ (STATE) I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Executed on **December 26, 2007**, at Los Angeles, California.

  
Charles Davies

**SERVICE LIST**

*Markel American Insurance Company, Inc. v. Quark Speed Partners, et al.*  
USDC-CA Northern Case No. 3:07-cv-05010-MJJ

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- Quark Speed Partners
- David Marshburn
- Gilbert Mitchell
- Wayne Martin